

Bay Delta Conservation Plan Draft EIS Update for June 3, 2014 Deputies' Meeting

On May 30, Letty Belin of DOI convened an interagency call¹ to discuss the BDCP Draft EIS. The CA Natural Resources Agency issued a press release on May 30 announcing a 60-day extension to the Draft EIS comment period and the release of a draft Implementing Agreement. Region 9 explained that the Draft EIS warrants an **Ex. 5 - Deliberative** rating, and recommended that the lead federal agencies publicly announce a commitment to develop a Supplemental Draft EIS to address the deficiencies that have been identified. The federal lead agencies are under tremendous time pressure from the project proponents to keep the NEPA process moving. The following issues were discussed:

Options

Ex. 5 - Deliberative

Implementing Agreement (IA)

The IA is required by State law and supports the Endangered Species Act Section 10 process. When finalized, the IA defines obligations for state and federal agencies, and permittees for implementing the Habitat Conservation Plan. The draft IA was released on May 30 for a 60-day public review. The draft IA does not include an agreement between the parties regarding NMFS species. DOI agreed to brief EPA on the draft IA.

Extension of Comment Period

Lead federal and state agencies have decided to extend the NEPA comment period until July 29, 2014 to match the comment period for the draft IA.

New Comments from the Delta Independent Science Board

On May 15, the Delta Independent Science Board released its comments on the BDCP. The Science Board was commissioned under State law to provide comments on the BDCP to inform the Delta Stewardship Council and the California Department of Fish

¹ Participants: EPA – Jared Blumenfeld, Ken Kopocis, Cliff Rader; CEQ (Horst Greczmiel, Jay Jensen, Alexis Segal, Ted Boling), and DOI (Jennifer Gimbel, David Cottingham).

and Game. The Board focused its review on the adequacy of the science and conclusions drawn from the science. It found that “the science in the BDCP effort falls short of what the project requires”. Some of its major concerns include:

- Overly optimistic expectations concerning conservation measures (particularly given that the conservation measures are assumed to produce benefits offsetting the new contemplated water diversion activities).
- Inconsistent and inadequate analysis of uncertainties, which, among other concerns, can create false expectations of the outcomes and benefits of the BDCP actions.
- Inadequate evaluation of climate-change on implementation and outcomes of BDCP actions.
- Important effects are neglected, including analysis of effects beyond the delta itself, e.g., San Francisco Bay, San Pablo Bay, and impacts from increased agriculture in the Valley.
- The document does not provide informative comparisons between alternatives, particularly water-conveyance operations and their relative impacts. Therefore, it is difficult to assess the relative strengths and weakness of alternatives.

In addition, the Board also concurred with the findings of the Delta Independent Science Panel’s March 2014 effects analysis. Several important areas of agreement include:

- Inadequate analysis of uncertainties, particularly with respect to restoration activities.
- Adaptive management is used as the default solution to unresolved issues and uncertainties.
- Fails to recognize habitat restoration is a lengthy process with uncertain results.

The Delta Stewardship Council has made available their draft comments on the BDCP as of May 29 and they are to be released in final form soon.